

REMARKS

Favorable reconsideration of this application is respectfully requested.

Claims 1-12 are pending in this application. The specification was objected to as failing to provide proper antecedent basis for the claimed subject matter. Claims 1 and 9 were rejected under 35 U.S.C. § 101. Claims 1-9 were rejected under 35 U.S.C. § 112, second paragraph. Claims 1-12 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. patent application publication 2004/0064380 to Hiratsuka in view of U.S. patent 5,805,699 to Akiyama et al. (herein “Akiyama”). The above-noted objections and rejections are traversed as now discussed.

Addressing first the objection to the specification, that objection is traversed.

First, with respect to the position that the limitations in claim 3 of “dispersion of the printing surface” are not clear, claim 3 is herein amended to clarify certain features therein, and particularly to no longer recite the word “dispersion”. The features clarified in claim 3 are believed to be fully supported by the original specification, see for example page 58, lines 7-18.

With respect to the limitation of “convoluting” recited in claims 6 and 7, applicants draw attention to the specification at the paragraph bridging pages 54 and 55 and at page 61, line 12 *et seq.*, see the word “convoluted” at page 61, line 16.

In view of the presently submitted amendments and foregoing comments applicants submit the outstanding objections to the specification are addressed by the present response.

Addressing now the rejection of claims 1 and 9 under 35 U.S.C. § 101, that rejection is traversed.

Claim 1 is clearly directed to statutory subject matter of a “contents copying management system” and recites physical elements therein, and thus is clearly statutory under 35 U.S.C. § 101. Similarly, claim 9 is directed to a copying management device that recites

specific elements therein, and is also thereby clearly directed to statutory subject matter under 35 U.S.C. § 101.

Addressing now the rejection of claims 1-9 under 35 U.S.C. § 112, second paragraph, that rejection is traversed as now discussed.

Initially, applicants note the claims are herein amended to clarify features recited therein and to no longer recite any “means plus function” terminology. One basis for the outstanding rejection appeared to object to the claims as reciting “means plus function” terminology. Although that grounds for rejection is believed to be improper, as discussed below, to promote prosecution the claims are amended herein.

With respect to the claims reciting “means plus function terminology” applicants submit that claim language was proper. As examples of how the claims were proper and fully supported by the specification, the previously recited “medium identifying information acquiring means” is clearly supported by the original specification for example at page 18, liens 11-20. The position of the previous Office Action that somehow the “means plus function” limitations were unclear and that the written description did not clearly indicate the structure to perform such means is traversed.

As a further example, the “apparatus identifying information acquiring means” as previously recited in independent claim 1 is supported by the original specification for example at page 20, lines 9-16. With respect to the various limitations reciting transmitting and receiving means applicants draw attention to the specification at page 20, last line *et seq.* and the ensuing discussion to the “transmission/reception section 24”.

The above-noted are just examples of how the specification clearly supports the previously recited claim limitation in “means plus function” language. However, as noted above to promote prosecution the claims are herein amended to no longer recite “means plus function” limitations.

The claims were also rejected as being “hybrid claims.” That basis for the rejection appears to be on the position that for example claim 1 recites operations such as “judging agreement or disagreement of said combinations of medium identifying information”.¹

Applicants traverse that position and submit the claims as written are proper and definite. For example, with respect to the operation of “judging agreement or disagreement of said combinations of medium identifying information”, that operation is directed to an operation executed by the control unit. That language has been clarified in the claims, but that operation is clearly proper as it is well understood in the art that a control unit can perform such a judging operation. Applicants submit the claims are clearly directed to a single statutory class of invention and are proper under 35 U.S.C. § 112, second paragraph.

Claim 1 is also amended to clarify certain language therein to address the objection noted in prenumbered paragraph 13 of the Office Action, by no longer reciting the phrase “at the time of copying said contents” and clarifying that the “time of accessing said copying management device” is “after transmitting said medium identifying information”.

Claim 3 as noted above is amended to no longer recite the term “dispersion”. Further, with respect to the phrase “one of dispersion of the printing surface”, the phrase “one or more” is provided prior to a list of following identifying information, and that has now been clarified by reciting a colon after the phrase “one or more”.

Moreover, as noted above the claims are amended to no longer recite “means plus function” terminology, although as noted above those previous recitations were believed to be completely proper.

In view of the foregoing comments applicants respectfully submit the outstanding rejection under 35 U.S.C. § 112, second paragraph, is traversed.

¹ Office Action of August 21, 2009, page 3, prenumbered lines 9-11.

Addressing now the rejection of claims 1-12 under 35 U.S.C. § 103(a) as unpatentable over Hiratsuka in view of Akiyama, that rejection is also traversed.

Applicants submit the outstanding rejection appears to be misconstruing the disclosures in the applied art relative to the claims as written.

The claims are directed to a device in which an original recording medium having recorded contents is initially identified, the contents copying apparatus is identified, and medium identifying information and apparatus identifying information are provided to a copy management device.

The outstanding rejection cites Hiratsuka as a primary reference, and for example notes Hiratsuka discloses a medium identifying information device at paragraph [0065].²

Hiratsuka is directed to a different device than as claimed. Hiratsuka is directed to a device in which for example music can be downloaded from a server, and that can be sent on to another electronic musical instrument.³

At cited paragraph [0065] Hiratsuka does not disclose identifying a “recording-contents-carrying *original recording medium*” (emphasis added). Hiratsuka does not disclose or suggest any recording medium being utilized, but instead only discloses a download of music. Further, at cited paragraph [0065] Hiratsuka merely discloses sending downloaded music onto an electronic musical instrument. Such features in Hiratsuka are not at all related to the claimed features in which a “recording-contents-carrying original recording medium” is identified.

Further, at cited paragraph [0066] Hiratsuka discloses decoding music already downloaded on the basis of an apparatus identification number musical instrument KD to which the music can be transferred. That is, that disclosure in Hiratsuka is directed to an

² Office Action of August 21, 2009, page 7, paragraph a.

³ Hiratsuka for example at paragraphs [0058] and [0065].

identification of a musical instrument to which downloaded music is to be further transferred. That feature in Hiratsuka is not directed to the claimed features of identifying information specific to and indicating said contents copying apparatus itself, as recited in the claims. In the claims the machine that is actually going to perform the copying is identified. In contrast, in Hiratsuka the musical instrument to which downloaded music is to be transferred is identified, and that musical instrument in Hiratsuka is not a machine that will perform a copying.

In such ways Hiratsuka is directed to a fundamentally different device than in the claimed invention and the claims as written clearly recite features neither taught nor suggested by Hiratsuka.

In view of such fundamental differences between the claimed invention and Hiratsuka, applicants submit Hiratsuka fails to disclose or suggest further features recited in the claims such as specific operations of the now claimed transmission/reception section, database, and control section in the copying management device.

Moreover, no disclosure in Akiyama were cited with respect to the above-noted features, and no disclosures Akiyama are believed to cure the deficiencies in Hiratsuka.

In view of the foregoing comments, applicants respectfully submit the claims as currently written address all objections and rejections in the Office Action and positively recite features neither taught nor suggested by the applied art.

Thereby, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Surinder Sachar
Registration No. 34,423

2040231_1.DOC